

Date: April 18, 2012

To:

The Honorable Mayor Edward MacDougall, Vice-Mayor Ernest Sochin,
Councilmembers Mary Ann Mixon, Sue Ellen Loyzelle and Peggy Bell.

From:

Barbara Condon, Chair
Town of Cutler Bay Charter Revision Commission

Subject:

Commission Report and Recommendations

Thank you for allowing me the opportunity to serve my community as chair of the charter review commission. It has been an honor to oversee the revision of such an important document.

I would like to thank the members of the commission for their time and service, and on their behalf, thank the support staff whose dedication and long hours made this possible.

I would also like to thank the members of the community who took the time to contact us or attend these proceedings. Many of their comments were the inspiration for change and provided fodder for discussion.

Attached for your consideration, is my report on the Town of Cutler Bay's Charter Revision Commission proceedings. It is my understanding that a copy of the charter with the recommended revisions has, or will be, provided to you along with supporting documentation.

Again, thank you for this opportunity to serve and for your consideration of these revisions.

Barbara Condon
Chair

THE TOWN OF CUTLER BAY
CHARTER REVISION COMMISSION
REPORT

Town Of Cutler Bay, Florida Charter Revision Commission History

On December 7, 2011, pursuant to Section 6.2 of the town charter, the town council of the Town of Cutler Bay appointed a charter revision commission to draft and submit to the town council such amendments to the town charter as they deemed appropriate. The first meeting of the commission took place on December 14th, 2011. Commission members, support staff and consultants included:

Members of the commission included:

- Barbara Condon (Chair) - Appointed by Mayor Ed MacDougall
- Terry Long (Vice- Chair) - Appointed by Councilmember Sue Ellen Loyzelle
- Tim Meerbott - Appointed by Council member Mary Ann Mixon
- Dennis Peterson - Appointed by Councilmember Peggy Bell
- Eduardo Wolmers - Appointed by Vice-Mayor Ernie Sochin
- Councilmember Peggy Bell (Non-voting member) - Appointed by Mayor Ed MacDougall

Staff support included:

- Town Attorney's Mitchell Bierman and Chad Friedman
- Town Manager Steven Alexander
- Town Clerk Esther Coulson
- Assistant to The Town Clerk Pam Regula

Consultants included:

- Mr. Robert Myers, Former Miami Dade County Commission on Ethics and Public Trust Executive Director.

Public Input in The Charter Review Process

In order to encourage public input, it was recommended by the commission that notice of all meetings be placed on the town's website. It was further requested that the agenda for each meeting be posted on the town's site in advance of the meetings and a copy of the charter with the commission's recommended changes be published as it became available.

Members of the public were encouraged to send their comments and recommendations for change through the town clerk so they could be disseminated to all members of the commission, and support staff. The commission provided for public comments at the end of each meeting.

A press release was written explaining the charter process, where residents could view the current charter and contact information. This press release was placed on the town's website, featured in a February "e-brief" and distributed to "The Cutler Bay News". The commission received in excess of twenty emails containing comments or recommendations from the residents of the community.

Public Meetings

The commission's first meeting took place on December 14, 2011. Meetings took place every other Thursday through February 16, 2012, and weekly thereafter, concluding on April 12th, 2012. Additionally, the commission members were invited to discuss the charter review process and answer questions at the February 7, 2012 meeting of the Concerned Citizens of Cutler Bay.

Listing Of Major Changes Recommended By The Commission

Members of the charter revision commission are tasked with reviewing each and every section of the charter and presenting their recommendations for change to the town council. To that end, this commission makes the following recommendations. See the revised edition of the town charter for a complete list of all changes including scrivener's errors.

Citizen's Bill Of Rights

The commission recommends including two new subsections, the first addressing a misuse of authority by a town official, and a second providing a requirement that the town council adopt an ordinance providing remedies for violation of the Citizen's Bill of Rights.

Section 1.2 Form of Government

It is the recommendation of the commission that a statement be added to the charter that our government is a representative democracy.

Section 1.3 Town Maps

The commission suggests the addition of both a town-wide map and individual district maps be included into the document.

Section 2.1 Mayor and Vice-Mayor

The commission recommends that awards and other forms of recognition be made by the majority consent of the council, and allows for a delegate of the Mayor to represent the town in dealings with other governmental entities. The commission further recommends adding language to provide for leadership in the absence or incapacity of both the mayor and the vice mayor.

Section 2.2 Town Council

The commission recommends adding a new subsection to provide for members of the council to censure, reprimand or levy fines against another member who has violated a provision of the charter or an explicit directive of the council.

Section 2.3 Election, Term of Office and Term Limits

It is proposed that elected officials remain subject to the term limits in effect at the time they began their service and that clarifying language be inserted regarding the lengthening of terms caused by the initial staggering of terms and changes in the election date. The commission suggests a 3 year hiatus for councilmembers who have served their maximum length of service before being able to run again and creating rules that elected

officials shall be deemed to have served all four years of his/her term if an official resigns from office prior to completion of their term. Additionally, the commission suggests adding language that allows for the appointment of a redistricting commission after the release of each decennial census.

Section 2.5 Forfeiture Of Office

The commission recommends a provision that should a councilmember be convicted of a crime involving dishonesty or sexual misconduct while in office, he/she shall be subject to forfeiture of office proceedings. The commission further suggests reducing the time a councilmember can miss meetings, from 4 months to 3 months before being subject to forfeiture of their office. Additionally, the commission suggests clarifying the council's authority to determine if good cause has been established.

Section 2.5 Filling of Vacancies

The commission recommends that the filling of a vacancy in office take place at the next regular countywide election. We further recommend that a vacancy in the Mayor's office be filled by the Vice-Mayor temporarily and, provided that the Vice-Mayor did not choose to run for the position of Mayor, allowing for the Vice-Mayor to return to his/her Vice-Mayor position after a new Mayor has been elected.

Section 3.1 The Town Manager

It is recommended that the terms, conditions, method of evaluation, and compensation of the town manager be established by resolution of the council.

Section 3.3 Powers And Duties Of The Town Manager

The commission suggested clarifying the role of the town manager with respect to contracted services including police and town consultants.

Section 3.6 Town Clerk

Clarification is recommended to note that among the town clerk's duties, he/she is responsible for certifying all public records, should strive to serve the members of the council impartially and be responsible for providing sitting councilmembers with information regarding their role in town elections.

Section 3.9 Town Boards and Committees

The commission recommends adding language that restricts commission, board or committee members from giving direction to town employees and allows a non-resident to serve on a town board or committee if their qualifications or expertise are required and would otherwise be unavailable among our town residents.

Section 3.11 Technology

Realizing that not all residents have computers and wishing to ensure transparency to all citizens, the commission recommends that the town create and maintain a public workstation for easy access to public records.

Section 3.14 Environmental Responsibility

Recognizing our responsibility to future generations, the commission recommends the council create a new section in our charter acknowledging the town's commitment to protect our natural resources.

Section 4.2 Interference with Administration

The commission recommends clarifying that council members shall deal with town employees, subject to the supervision of the town clerk, solely through the town clerk.

Section 5.2 Petitions Filing Deadlines

The commission recommends increasing the number of days for petitions to be filed from 60 to 90 days.

Section 6.2 Charter Revision

The commission recommends changing both the appointment and meeting dates of future commissions, clarifying that commission members must be residents of the town, and providing for term limits.

Scrivener's Errors

Noticing numerous errors within the charter, the commission recommends correcting these errors'

Conclusion

The suggested changes presented here and more completely outlined in the revised charter document are the result of vigorous debate and careful consideration. As opinions differed, compromises were at times made. The result is a document that reflects our collective advice on how to ensure honest, effective government within our community.

We wish to thank all those who contacted this commission to give input into this process. While proposed changes were not always debated in public, this is not to suggest that these ideas were without merit or not considered by individual commission members. Some suggestions may be more appropriately addressed by resolution or ordinance or were found to be addressed in the Miami-Dade County Code and therefore applicable to the town.

We would be remiss if we did not thank the town's staff for their guidance and insight. We appreciate the opportunity to serve our community and respectfully submit to you our recommendations for your consideration.

Town of Cutler Bay 2012 Charter Revision Recommendations and Report

Barbara Condon, Chair

Terry Long, Vice-Chair

Tim Meerbott,

Dennis Peterson

Ed Wolmers

Peggy Bell, Non-Voting Member

Esther B. Coulson, Town Clerk
